

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35707

STATE OF IDAHO,	)	2009 Unpublished Opinion No. 546
	)	
Plaintiff-Respondent,	)	Filed: July 23, 2009
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
GERALD W. HINES,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Second Judicial District, State of Idaho, Nez Perce County. Hon. Carl B. Kerrick, District Judge.

Judgment of conviction and concurrent unified sentences of five years, with two years determinate, for delivery of a controlled substance and conspiracy to deliver a controlled substance, affirmed.

Molly J. Huskey, State Appellate Public Defender; Sarah E. Tompkins, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Before LANSING, Chief Judge, GUTIERREZ, Judge  
and GRATTON, Judge

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PER CURIAM

Gerald W. Hines was charged with delivery of a controlled substance, methamphetamine, I.C. § 37-2732(a)(1)(A), and conspiracy to deliver a controlled substance, methamphetamine, I.C. §§ 37-2732(a)(1)(A) and 37-2732(f) and was found guilty by a jury on both counts. The district court sentenced Hines to concurrent unified terms of five years, with two years determinate, suspended the sentences and placed Hines on probation for five years. Now, on probation, Hines appeals from his judgment of conviction and sentences, contending that the district court abused its discretion by imposing excessive sentences.

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing the sentences. Accordingly, Hines's judgment of conviction and suspended sentences are affirmed.